IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 18407 of 2004

Between:

1) Bolusani Satyanarayana, S/o B.Buchi Ramaiah,
R/o Eturunagaram Village and mandal, Warangal

District
2) Bolusani Gourishankar, S/o B.Satyanarayana,
R/o Eturunagaram Village and mandal, Warangal

District

.... PETITIONERS

AND

1 The Primary Agricultural Co-operative Society,

Eturunagaram, Warangal, rep.by its Person-in-charge
2 The District Co-operative Central Bank Ltd., Subedari,

Hanamkonda, Warangal District rep.by Manager
3 The Senior Inspector-cum-Sale Officer, Co-operative

Societies, Mulugu Division, Warangal District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or Direction, more particularly one in the nature of Writ of Mandamus declaring the seizure-cum-sale Notice dated 04-10-2004 where under Hero Honda Passion Motor Cycle bearing No.AP-36-H-7728 belonging to the 2nd petitioner is being proposed to sell on 17-10-2004 towards realization of amounts payable by the 1st petitioner even before disposal of Statutory Appeal i.e., C.T.A.No.1/1986 pending before on the file of Co-operative Tribunal at Warangal as illegal, arbitrary and consequently direct the respondents to release the Motor Cycle i.e., Hero Honda Passion bearing No.AP-36-H-7728 seized on 04-10-2004 in favour of the 2nd petitioner and not to take any coercive steps for recovery of amounts payable by the 1st petitioner which is the subject matter of C.T.A.No.1/ 1986 on the file of Co-operative Tribunal, Warangal, and pass such other necessary order or orders as this Honourable Court deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.A.PRABHAKAR RAO

Counsel for the Respondents: G.P for Cooperation

The Court made the following:

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ORDER: -

The petitioners challenge the sale notice, dated 04.10.2004, proposing to sell the motorcycle bearing No. AP-36-H-7728. The first petitioner functioned as Chairman of the first respondent society for some time. The second petitioner is the son of the first petitioner.

2. Heard learned counsel for the petitioner and the learned Government Pleader for Cooperation.

3. Proceedings under Section 60 of the Cooperative Societies Act, were initiated against the first petitioner, and ultimately, it was held that he is liable to refund a sum of Rs.17,561/-. Aggrieved thereby, he preferred C.T.A.No.1 of 1986, before the Court of District Munsif, Mulugu, which was the appellate authority at that time. Thereafter, the appeal came to be transferred to the Cooperative Appellate Tribunal, at Hyderabad. In the recent past, an independent Cooperative Appellate Tribunal was established at Warangal. The appeal is said to be in the process of transmission to the Appellate Tribunal at Warangal.

4. It is urged that the second petitioner purchased the motorcycle with his own earnings and when he visited the place of his father, the respondents have seized the motorcycle, and it is alleged that they are proposing to sell it.

5. The root cause for this proceedings is the non disposal of the appeal preferred by the petitioner. It is rather sad that the appeal is pending since last more than 1 ½ decades. Though part of the delay is attributable to the change of Fora from time to

time, there hardly exists any excuse or justification for non-disposal of the appeal for such a long time. Since a Tribunal is constituted at Warangal, the appeal can be taken up, on priority basis, and further steps to sell the property belonging to the second petitioner can be deferred.

6. Hence the writ petition is disposed of directing that C.T.A.No.1 of 1986, which is since transferred to the Cooperative Tribunal, Warangal, shall be disposed of within three months surreptitiously. In the meanwhile, the sale of the motorcycle referred to above shall stand stayed. However, the same shall be released to the second petitioner on his depositing the original R.C book, and on execution of a bond to the effect that he shall not alienate the same and would produce it as and when required.

Sd/-

ASSISTANT REGISTRAR

Dated: 03rd December, 2004

Note: - Issue C.C by 06.12.2004

(B/o)

RAR

To

1 The Person-in-charge, Primary Agricultural Co-operative

Society, Eturunagaram, Warangal,

2 The Manager, District Co-operative Central Bank Ltd.,

Subedari, Hanamkonda, Warangal District

3 The Senior Inspector-cum-Sale Officer, Co-operative

Societies, Mulugu Division, Warangal District

4 The Presiding Officer, The Cooperative Tribunal, Warangal.

5 2 CCs to G.P for Cooperation, High Court Buildings, Hyd.(OUT)

6 2 CD copies